

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on February 9, 2011 at 8:00 A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Jeff Essmann (R)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)

Members Excused: Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 116, SB 167, SB 169, 1/24/2011

HEARING ON SB 116

Opening Statement by Sponsor:

00:02:21 Sen. Greg Hinkle (R), SD 7, opened the hearing on SB 116, Prohibit physician-assisted suicide.

[EXHIBIT\(jus32a01\)](#)

[EXHIBIT\(jus32a02\)](#)

Proponents' Testimony:

00:06:58 Margaret Dore, Attorney

00:16:42 Dr. Mark Moser, Clinical Psychologist

[EXHIBIT\(jus32a03\)](#)

00:18:38 Paul Cook, MD, President and CEO, Rocky Mountain Health Network

[EXHIBIT\(jus32a04\)](#)

00:22:36 Mike Cox, Providence Health and Services, St. Patrick Hospital and Health Sciences Center, Missoula

[EXHIBIT\(jus32a05\)](#)

00:25:04 Tom Stockton, self

00:26:05 Bradley Williams, self

[EXHIBIT\(jus32a06\)](#)

00:27:02 Elijah Walker, self

00:27:14 Terry Paske, self

[EXHIBIT\(jus32a07\)](#)

00:27:45 Lisa Wamsley, RN

00:28:30 Annie Bukacek, self, Physician

[EXHIBIT\(jus32a08\)](#)

00:28:43 Jeff Laszloffy, President, Montana Family Foundation

00:28:53 Christina Hayden

[EXHIBIT\(jus32a09\)](#)

00:29:38 Moe Wosepka, Montana Catholic Conference

[EXHIBIT\(jus32a10\)](#)

[EXHIBIT\(jus32a11\)](#)

[EXHIBIT\(jus32a12\)](#)

[EXHIBIT\(jus32a13\)](#)

00:29:51 John Meyer, self

00:30:04 Mimi Kirschman, self

[EXHIBIT\(jus32a14\)](#)

00:30:16 Matt Kuntz, National Alliance on Mental Illness (NAMI)

00:30:37 Katie French, self

Exhibits given to the Committee members at the conclusion of Proponents regarding SB 116:

[EXHIBIT\(jus32a15\)](#)

[EXHIBIT\(jus32a16\)](#)

[EXHIBIT\(jus32a17\)](#)

[EXHIBIT\(jus32a18\)](#)

[EXHIBIT\(jus32a19\)](#)

[EXHIBIT\(jus32a20\)](#)

Opponents' Testimony:

00:31:56 Roberta King, self

00:35:02 Ron Waterman, self

[EXHIBIT\(jus32a21\)](#)

00:36:39 Steve and Mary Johnson, self

00:39:02 Doris Fischer, self

00:40:35 John Cochran, self

00:43:16 David Moore, self

[EXHIBIT\(jus32a22\)](#)

00:47:43 Erin MacLean, Montana Medical Association (MMA)

[EXHIBIT\(jus32a23\)](#)

[EXHIBIT\(jus32a24\)](#)

00:51:10 Ann Jackson, retired Director, Oregon Hospice Organization

00:55:18 Mark Connole, Attorney, Missoula

[EXHIBIT\(jus32a25\)](#)

00:56:29 Rep. Dick Barrett, HD 93

00:57:01 Karen Nelson, retired Hospice Nurse

00:57:59 Brian McCullough, self

00:58:50 Paul Hosman, self

[EXHIBIT\(jus32a26\)](#)

00:59:42 Jane Hamman, self

[EXHIBIT\(jus32a27\)](#)

01:00:19 Robert C. Balhiser, self

01:01:02 Niki Zupanic, American Civil Liberties Union (ACLU)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:01:38 Sen. Blewett

01:02:22 Mr. Connole

01:05:43 Sen. Essmann

01:06:08 Mr. Waterman

01:07:00 Sen. Essmann

01:07:41 Ms. Nelson

Closing by Sponsor:

01:09:03 Sen. Hinkle

Exhibits given to the Committee members at the conclusion of hearing regarding SB 116:

EXHIBIT(jus32a28)

Letter from Jerilyn Lessley regarding SB 116

EXHIBIT(jus32a29)

Testimony from Elijah Walker (whom testified earlier but did not distribute testimony)

HEARING ON SB 167

Opening Statement by Sponsor:

01:21:19 Sen. Anders Blewett (D), SD 11, opened the hearing on SB 167, Implement ruling on aid in dying for terminally ill patients.

Proponents' Testimony:

01:29:30 Barbara Glidewell, self

EXHIBIT(jus32a30)

01:35:20 Rev. John C. Board, Episcopal Diocese of Montana

01:39:49 Steven Speckart, retired, Oncologist Physician, Missoula, Montana

01:45:04 Bailey Molineaux, self

01:45:39 Ron Waterman, self, Attorney

EXHIBIT(jus32a31)

01:47:24 Niki Zupanic, ACLU

01:49:20 F.J. Kearns, self

EXHIBIT(jus32a32)

01:51:59 Cindy Swank, self

EXHIBIT(jus32a33)

01:53:02 Mignon Waterman, self

EXHIBIT(jus32a34)

01:54:32 Brian McCullough

01:55:03 Jane Hamman, self

Exhibit given to the Committee members at the conclusion of Proponents regarding SB 167:

EXHIBIT(jus32a35)

Letter from Hugh Swearingen regarding SB 167

Opponents' Testimony:

01:55:46 Margaret Dore, Attorney

[EXHIBIT\(jus32a36\)](#)

[EXHIBIT\(jus32a37\)](#)

[EXHIBIT\(jus32a38\)](#)

02:00:30 Bradley Williams, self

[EXHIBIT\(jus32a39\)](#)

02:03:10 Mark Mozer, Clinical Psychologist

[EXHIBIT\(jus32a40\)](#)

02:05:59 Annie Bukacek, self, Physician

02:09:41 Fr. Stuart Long, Catholic Priest, Diocese of Helena

02:12:57 Jeff Laszloffy, President, Montana Family Foundation

[EXHIBIT\(jus32a41\)](#)

02:14:20 Gregg Trude, State Director, Montana Right to Life

[EXHIBIT\(jus32a42\)](#)

02:16:03 Cort Freeman, self

[EXHIBIT\(jus32a43\)](#)

02:17:30 Mark Seitz, Pastor, Helena Church of the Nazarene

02:18:11 LeeAnn Bear, self

02:19:40 Paul Cook, MD, President and CEO, Rocky Mountain Health Network

[EXHIBIT\(jus32a44\)](#)

02:20:16 Mike Cox, Providence Health and Services, St. Patrick Hospital and Health
Sciences Center

[EXHIBIT\(jus32a45\)](#)

02:21:03 Moe Wosepka, Montana Catholic Conference (MCC)

[EXHIBIT\(jus32a46\)](#)

[EXHIBIT\(jus32a47\)](#)

[EXHIBIT\(jus32a48\)](#)

[EXHIBIT\(jus32a49\)](#)

[EXHIBIT\(jus32a50\)](#)

[EXHIBIT\(jus32a51\)](#)

02:21:38 Lisa Wamsley, self

02:23:07 John Meyer, self

02:23:15 Arlette Randash, self

[EXHIBIT\(jus32a52\)](#)

02:23:42 Becky Stockton

[EXHIBIT\(jus32a53\)](#)

02:24:01 Harris Himes

[EXHIBIT\(jus32a54\)](#)

02:24:10 Dallas Erickson

[EXHIBIT\(jus32a55\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

02:24:20 Sen. Shockley
 02:25:02 Dr. Bukacek
 02:26:01 Sen. Shockley
 02:27:21 Sen. Blewett
 02:29:18 Sen. Larsen
 02:29:54 Mr. Connole
 02:32:26 Sen. Hinkle
 02:33:07 Sen. Blewett
 02:41:12 Sen. Essmann
 02:41:43 Ms. Glidewell
 02:45:48 Sen. Jent
 02:47:37 Mr. Waterman
 02:51:04 Sen. Hutton
 02:52:21 Dr. Mozer
 02:53:12 Sen. Hutton
 02:54:00 Dr. Bukacek
 02:55:41 Sen. Hutton
 02:57:36 Sen. Blewett
 02:59:41 Sen. Moss
 03:00:24 Dr. Speckart
 03:06:31 Sen. Shockley
 03:08:10 Mr. Waterman
 03:13:45 Sen. Essmann
 03:15:50 Dr. Speckart

Closing by Sponsor:

03:18:41 Sen. Blewett

HEARING ON SB 169

Opening Statement by Sponsor:

03:35:57 Sen. Greg Hinkle (R), SD 7, opened the hearing on SB 169, Provide for suicide predator penalty enhancement.

Proponents' Testimony:

03:40:43 Brad Williams, self
[EXHIBIT\(jus32a56\)](#)
 03:40:58 Jeff Laszloffy, President, Montana Family Foundation
 03:41:14 Dallas Erickson, Montana Citizens for Decency through Law
[EXHIBIT\(jus32a57\)](#)
 03:41:33 Harris Himes, self
 03:42:02 Terry Paske, self
 03:42:16 Chuck Paske, self
 03:42:28 Christina Hayden, self

03:43:10 Bertold Gottlieb, "B.G." Stumberg, Pastor, Canyon Ferry Road Baptist Church
03:43:25 Susan Sander, self
03:43:39 Mark French, self
03:45:32 Moe Wosepka, MCC

Opponents' Testimony:

03:46:00 Niki Zupanic, ACLU

Informational Testimony:

03:49:37 Brett Kronenberger, MMA

Questions from Committee Members and Responses:

03:50:02 Sen. Blewett
03:50:50 Sen. Hinkle
03:52:07 Sen. Essmann
03:52:48 Valencia Lane, Legislative Services Division (LSD)
03:54:21 Sen. Moss
03:54:50 Sen. Hinkle

Closing by Sponsor:

03:55:46 Sen. Hinkle

Exhibit Distributed to the Committee Members at the completion of today's Hearings regarding SB 116, SB 167 and SB 169:

EXHIBIT(jus32a58)

Robert C. Balhiser, self in support of SB 116 and against SB 167

EXHIBIT(jus32a59)

Mary Vant Hull, self, in support of SB 167 and against SB 116

EXHIBIT(jus32a60)

Karen Nelson, retired hospice nurse, in support of SB 167 and against SB 116

EXHIBIT(jus32a61)

Annie Bukacek, MD, regarding SB 167

EXHIBIT(jus32a62)

Tom Hayes, letter regarding SB 167

EXHIBIT(jus32a63)

Marsha Katz, letter regarding SB 167

EXHIBIT(jus32a64)

Booklet from Concerned Women Votes for America of Montana (CWA) regarding SB 116

EXHIBIT(jus32a65)

Statement from several people regarding SB 167

EXHIBIT(jus32a66)

Letter from Kathryn Borgenicht regarding SB 116 and SB 167

EXHIBIT(jus32a67)

The Missoulian Newspaper, letters to the Editor from various people regarding
SB 116

ADJOURNMENT

Adjournment: 11:57 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus32aad.pdf](#))